

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C) .No. 6607 of 2007(J)

PETITIONER:

GEORGE KUTTY, S/O.YOHANNA,
CHERUVIL MELATHIL VEEDU, THEKKUMPURAM MURI,
PUTHOOR VILLAGE, KOTTARAKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOLLAM DISTRICT,
COLLECTORATE, KOLLAM.
2. REVENUE DIVISIONAL OFFICER,
KOLLAM DISTRICT, COLLECTORATE, KOLLAM.
3. TAHASILDAR, KOTTARAKARA TALUK,
KOTTARAKARA.
4. THE VILLAGE OFFICER,
PUTHOOR VILLAGE, KOTTARAKARA TALUK,
KOTTARAKARA.
5. SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT, OFFICE OF SUPERINTENDENT
OF POLICE, KOLLAM.
6. DEPUTY SUPERINTENDENT OF POLICE,
PUNALUR, KOLLAM DISTRICT.
7. CIRCLE INSPECTOR OF POLICE,
KOTTARAKARA.
8. SUB INSPECTOR OF POLICE,
KOTTARAKARA.

9. JOSE. G. OOMMEN,
PROPRIETOR, INDIANA DRY FOOD COMPANY LTD.,
PUTHOOR, RESIDING AT VARUR MADATHILAYILKATHU
VEEDU, PUTHUOOR MURI, PUTHOOR VILLAGE,
KOTTARAKARA TALUK.

ADDL.R10:

10. NEDUVATHOOR GRAMA PANCHAYATH, REP. BY ITS SECRETARY,
NEDUVATHOOR, KOLLAM DISTRICT.

ADDL.R10 IS IMPEADED AS PER ORDER DATED 27.3.2007 IN
I.A.4641/2007.

BY ADV. SRI.N.SUKUMARAN
SRI.ANOOP MATHEW ABRAHAM FOR ADDL.R10
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 5.3.1996.
- EXT.P2: COPY OF THE PETITION FILED BEFORE THE 3RD RESPONDENT DATED 6.3.2002.
- EXT.P3: COPY OF THE JUDGMENT IN O.S.NO.122/2002 DATED 28.2.2003.
- EXT.P4: COPY OF THE REPRESENTATION DATED 19.5.2005 FILED BEFORE 2ND RESPONDENT.
- EXT.P5: COPY OF THE PLAINT ALONG WITH THE PROPERTY SCHEDULE OF O.S.NO.449 OF 2005.
- EXT.P6: COPY OF THE ORDER OF MUNSIFF'S COURT, KOTTARAKARA IN I.A.NO.2472 OF 2005 IN O.A.NO.449 OF 2005 DATED 14.12.2005.
- EXT.P7: COPY OF THE ORDER IN REVIEW PETITION IN I.A.NO.30 OF 2006 DATED 20.1.2006.
- EXT.P8: COPY OF THE REPRESENTATION FILED BEFORE THE 1ST RESPONDENT DATED 4.1.2006.
- EXT.P9: COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER HIS WIFE AND ANOTHER 3RD PERSON BEFORE THE 2ND RESPONDENT DATED 29.10.2006.
- EXT.P10: COPY OF THE PRIVATE COMPLAINT FILED BEFORE THE JFCMI KOTTARAKARA DATED 23.1.2007.
- EXT.P11: COPY OF THE REPRESENTATION FILED BEFORE 6TH RESPONDENT DATED 29.1.2007.
- EXT.P12: COPY OF THE REPRESENTATION FILED BEFORE 7TH RESPONDENT DATED 29.1.2007.
- EXT.P13: COPY OF THE COMPLAINT FILED BEFORE 1ST RESPONDENT DATED 31.1.2007.
- EXT.P14: COPY OF THE COMPLAINT BEFORE THE 2ND RESPONDENT DATED 2.2.2007.

RESPONDENTS EXHIBITS:

- EXT.R10(A): COPY OF THE AGREEMENT DATED 30.4.2004.
- EXT.R10(B): COPY OF THE MINUTES.
- EXT.R10(C): COPY OF THE RESOLUTION DATED 11.4.2005.
- EXT.R10(D): COPY OF HTE INTERIM INJUNCTION ORDER OF THE MUNSIFF COURT.
- EXT.R10(E): COPY OF THE ASSET REGISTER.

/TRUE COPY/

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.6607 of 2007 (J)

Dated this the 27th day of March, 2007

Judgment

Koshy, J.

This is a petition for police protection. On 9.3.2007, we have directed the police to see that law and order is maintained and subsisting civil court orders are not violated. If there is any dispute regarding the interpretation of the civil court order, it is for the parties to approach the civil court and obtain appropriate orders. We are not expressing any opinion regarding the merits of the civil disputes. Such merits cannot be decided without adducing evidence in a petition filed under Article 226 of the Constitution of India. Therefore without expressing any opinion regarding the merits of the civil disputes, the above interim order dated 9.3.2007 is made absolute. Any of the parties can approach the civil court to get appropriate orders

and civil court shall dispose of the pending disposals untrammelled by the observations in the judgment. With the above observations this writ petition is disposed of.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

prp

**J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.**

W.P. (C) No./2007

Judgment

Dated:21st March, 2007